

UNITED STATES OF AMERICA
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF ADMINISTRATIVE LAW JUDGES

United States Department of Housing
and Urban Development,

v.

HUGH V. SMITH, JR.

HUDALJ 01-112-CMP

**ORDER DENYING RESPONDENT'S MOTION FOR
RECONSIDERATION OF GRANT OF SUMMARY JUDGMENT**

On August 2, 2002, I issued an ORDER GRANTING, IN PART, AND DENYING, IN PART, MOTION FOR SUMMARY JUDGMENT in favor of the United States Department of Housing and Urban Development (the "Department" or the "Government"), finding that Respondent failed to file required annual financial reports for the years 1995, 1997, 1998 and 1999 in violation of 12 U.S.C. § 1735f-15(c)(1)(B) and 24 C. F. R. § 30.45(a). In its Motion, the Government had urged that I impose the maximum permissible civil money penalty on Respondent, or \$107,500.00. I imposed a total civil money penalty of \$26,000.00.

On August 20, 2002, Respondent submitted a Motion for Reconsideration of my August 2, 2002, ORDER in which he requests that I amend the order and set aside the \$26,000.00 in civil money penalties imposed and grant such further relief "to which [he] is entitled." The Motion will be denied.

Respondent had ample opportunity to respond to the Government's Motion for Summary Judgment and/or to seek a hearing on the appropriateness of the requested civil money penalties well before issuance of the ruling on the motion, but he did not do so. He provides no reason in his motion as to why he should now be heard on the matter.

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Accordingly, Respondent Motion for Consideration is HEREBY ORDERED DENIED and the ORDER GRANTING, IN PART, AND DENYING, IN PART, MOTION FOR SUMMARY JUDGMENT issued on August 2, 2002, stands as issued.

SO ORDERED, this 22nd day of August, 2002.

CONSTANCE T. O'BRYANT
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of this ORDER DENYING RESPONDENT'S MOTION FOR RECONSIDERATION issued by CONSTANCE T. O'BRYANT, Administrative Law Judge, HUDALJ 01-112-CMP, were sent to the following parties on this 22nd day of August 2002, in the manner indicated:

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